

UNIFORM STATUTE AND RULE CONSTRUCTION ACT (1995) - NCCUSL

SECTION 18. PRINCIPLES OF CONSTRUCTION; PRESUMPTION.

(a) A statute or rule is construed, if possible, to:

- (1) give effect to its objective and purpose;
- (2) give effect to its entire text; and
- (3) avoid an unconstitutional, absurd, or unachievable result.

(b) A statute that is intended to be uniform with those of other States is construed to effectuate that purpose with respect to the subject of the statute.

(c) The presumption that a civil statute in derogation of the common law is construed strictly does not apply to a statute of this [State].

SECTION 19. PRIMACY OF TEXT.

The text of a statute or rule is the primary, essential source of its meaning.

SECTION 20. OTHER AIDS TO CONSTRUCTION.

(a) In considering the text of a statute or rule in light of Sections 2 through 7, Section 18, and the context in which the statute or rule is applied, the following aids to construction may be considered in ascertaining the meaning of the text:

(1) the meaning of a word or phrase may be limited by the series of words or phrases of which it is a part; and

(2) the meaning of a general word or phrase following two or more specific words or phrases may be limited to the category established by the specific words or phrases.

(b) In addition to considering the text of a statute or rule in light of Sections 2 through 7, Section 18, the context in which the statute or rule is applied, and the aids to construction in subsection (a), the following aids to construction may be considered in ascertaining the meaning of the text:

(1) a settled judicial construction in another jurisdiction as of the time a statute or rule is borrowed from the other jurisdiction;

(2) a judicial construction of the same or similar statute or rule of this or another State;

(3) an official commentary published and available before the enactment or adoption of the statute or rule;

(4) an administrative construction of the same or similar statute or rule of this State;

(5) a previous statute or rule, or the common law, on the same subject;

(6) a statute or rule on the same or a related subject, even if it was enacted or adopted at a different time; and

(7) a reenactment of a statute, or readoption of a rule which does not change the pertinent language after a court or agency construed the statute or rule.

(c) If, after considering the text of a statute or rule in light of Sections 2 through 7, Section 18, the context in which the statute or rule is applied, and the aids to construction in subsections (a) and (b), the meaning of the text or its application is uncertain, the following aids to construction may be considered in ascertaining the meaning of the text:

(1) the circumstances that prompted the enactment or adoption of the statute or rule;

(2) the purpose of a statute or rule as determined from the legislative or administrative history of the statute or rule;

(3) the history of other legislation on the same subject;

(4) legislative or rule-making materials, including proposed or adopted amendments, preambles, statements of intent or purpose, findings of fact, notes indicating source, contemporaneous documents prepared as a part of the legislative or rule-making process, fiscal notes, and committee reports; [and]

(5) the record of legislative or administrative agency debates and hearings[]; and

(6) written or printed materials that are not legislative materials].

(d) In ascribing weight to the materials listed in subsection (c), greater weight must be given to materials that:

(1) are shown by the record to have been considered by the legislature or administrative agency before passage or adoption than to materials not shown by the record to have been so considered;

(2) were available to the legislature or administrative agency before passage or adoption than to materials not so available;

(3) formed the basis for the language in the statute or rule than to materials that did not do so; and

(4) were not revised after they were considered by the legislature or administrative agency than to materials that were so revised.

Source: National Conference of Commissioners on Uniform State Laws